

# McDermott Will&Emery

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June 28, 2007

BY HAND

Honorable Paul A. Crotty (By Fax: 212-805-6304):  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street, Room 620  
New York, New York 10007

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: JUN 29 2007

Re: In re Dana Corporation, et al., Bankruptcy Case No. 06-10354; Parker-Hannifin Corporation v. Dana Corporation et al., Civ. Act. No. 07-5660-BSJ; The Timken Company, Timken U.S. Corp., Toyotetsu America, Inc., and Toyotetsu Mid America, LLC v. Dana Corporation et al., Civ. Act. No. 07-5659-VM.

Dear Judge Crotty:

McDermott Will & Emery LLP ("McDermott") represents Parker-Hannifin Corporation, The Timken Company, Timken U.S. Corp., Toyotetsu America, Inc., and Toyotetsu Mid America, LLC (collectively, the "Appellants") in the above-referenced Civil Actions. The Appellants appeal the entry of a Bankruptcy Court order, dated April 25, 2007 (the "Order"), valuing all reclamation claims against Dana Corporation ("Dana"), the Appellee, at \$0. Several other appeals of the Order have also been filed by other entities with reclamation claims against Dana.

This letter follows up on the letters from Dana's counsel to Hon. Barbara S. Jones and Hon. Victor Marrero, dated June 20, 2007, seeking the transfer of all pending appeals of the Order (the "Appeals") to your Honor and our letter dated June 22, 2007 to both Judge Jones and Judge Marrero, on which you were copied, advising that the Appellants agree that it is in the best interest of all parties to have all of the Appeals pending before a single District Judge. We further indicated that Appellants' opening briefs were due on July 2, 2007 and requested that the deadline for such briefs be extended until Friday, August 31, 2007. Judge Jones has approved that request with respect to Civil Action No. 07-5660-BSJ, which is still pending before her, but Judge Marrero's clerk advised that Civil Action No. 07-5659-VM has been reassigned to your Honor. Accordingly, we now make the same request of your Honor. The brief of Parker-Hannifin is not due until August 31st, but Timken and Toyotetsu's brief is still due this Monday, July 2nd. Given that (i) there is a pending reassignment of at least one of these cases, (ii) the other (with a briefing schedule of August 31, 2007) is expected to be reassigned to your Honor, and (iii) additional time is requested to allow the Appellants to continue negotiations with Dana

MEMO ENDORSED

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Honorable Paul A. Crotty

June 28, 2007

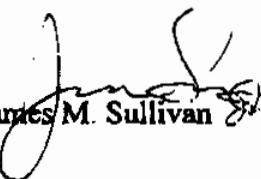
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concerning potential settlement of their claims, the Appellants respectfully request that your Honor extend the briefing schedule in Civil Action No. 07-5659-VM until August 31, 2007.

Further, it is our understanding that similarly situated appellants would like a similar extension with respect to other appeals pending before your Honor. It is our further understanding the Dana's counsel is willing to agree to an extension through the first week of August. Given that Judge Jones has extended the due date for Appellants' opening brief until August 31st and because the Appellants believe that a uniform briefing schedule will helpful, we respectfully request that the deadline for briefs in Civil Action No 07-5659 and other appeals pending before your Honor be similarly extended until August 31, 2007.

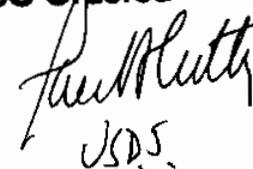
We thank your Honor for his time and attention to this matter.

Respectfully,

  
James M. Sullivan

Cc: Honorable Barbara S. Jones, United States District Judge (By Fax: 212-805-6191)  
Honorable Victor Marrero, United States District Judge (By Fax: 212-805-6382)  
Robert J. Feinstein, Esq., Counsel to Dana (By Fax: 212-561-7777)  
Corinne Ball, Esq., Counsel Dana (By Fax: 212-755-7306)  
Benjamin D. Feder, Esq., Co-counsel to Parker-Hannifin Corporation (By Fax: 212-344-6101)  
Mark T. Power, Esq., Counsel for Hydro Aluminum and Emhart (By Fax: 212-478-7400)  
Stuart A. Krause, Esq., Counsel for TAI (By Fax: 212-753-0396)  
Robert Beau Leonard, Esq., Counsel to Berlin Metals (By Fax: 516-240-8950)

June 29, 2007  
Application GRANTED  
SO Ordered

  
Paul A. Crotty  
USDS

→ See case # 07cv 4837  
Docket # 3 "Endorsed  
Letter".